

APPEAL NO. 041054  
FILED JULY 1, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 13, 2004. The hearing officer resolved the disputed issues by deciding that on \_\_\_\_\_, the respondent (claimant) sustained a compensable injury and had disability beginning on September 4, 2003, and continuing through the date of the CCH. The appellant (carrier) appealed, arguing that the evidence is insufficient to support the hearing officer's findings and conclusions. The appeal file did not contain a response from the claimant.

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires that the Appeals Panel consider the record developed at the hearing. Two compact disc records were contained in the appeal file. The first compact disc consists only of two tracks less than a total of 21 seconds in length. The second compact disc recording is audible but begins with the testimony of Mr. B. In the absence of a complete record, we cannot review the carrier's sufficiency of the evidence contentions. Accordingly, we must remand for reconstruction of the record.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202, which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL RAY OLIVER, PRESIDENT  
221 WEST 6TH STREET, SUITE 300  
AUSTIN, TEXAS 78701.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge